

FULLER-JEFFREY
BROADCASTING COMPANIES, INC.

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August 5, 1997

Mr. William F. Caton, Acting Secretary
Office of the Secretary
FEDERAL COMMUNICATIONS COMMISSION
1919 M Street, N.W.
Washington, DC 20554

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FEDERAL COMMUNICATIONS COMMISSION

Re: Comments on Proposed Rule Making, MM Docket No. 97-138

Dear Mr. Caton,

Enclosed please find one (1) original and nine (9) copies of Fuller-Jeffrey Broadcasting Cos., Inc.'s comments on the proposed rulemaking in the matter of review of the Commission's rules regarding the main studio and local public inspection files of broadcast television and radio stations, MM Docket No. 97-138. We wish for each Commissioner to receive a copy of these comments.

Thank you.

Sincerely,



Fuller-Jeffrey Broadcasting Cos., Inc.
Martin R. Lessard, Executive Vice President

MRL/pc
Enclosures

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Washington, DC 20554

In the Matter of)
) **MM Docket No. 97-138**
Review of the Commission's Rules)
regarding the main studio and)
local public inspection files of)
broadcast television and radio stations)
)
47 C.F.R. §§ 73.1125,)
73.3526 and 73.3527)

**Comments on the Notice of Proposed Rulemaking
by Fuller-Jeffrey Broadcasting Companies, Inc.**

1. The Commission has recently requested comments on proposals to relax its rules governing the location of a broadcast licensee's main studio location and local public inspection file. Fuller-Jeffrey Broadcasting Companies, Inc. ("FJBC") believes the relaxing of these rules will better serve the public interest, and submits the following comments in support thereof.

A. Main Studio Location Rule

2. FJBC agrees with the Commission that it is possible for a main studio to be outside the station's principal community contour and yet still be reasonably accessible to the community of license.

3. Furthermore, FJBC believes the current main studio rule places a disproportionate burden on the owners of smaller stations, especially Class A stations, and specifically in those instances where Class A stations are allowed to be co-owned in a duopoly with larger Class B or Class C stations.

MM Docket No. 97-138

Comments on the Notice of Proposed Rulemaking

by Fuller-Jeffrey Broadcasting Companies, Inc. (Continued)

4. FJBC agrees with the current presumption that the area encompassed by the principal community contours of larger Class B and Class C stations is reasonably accessible to the station's community of license by virtue of the fact that the main studio is allowed to be located anywhere within that area.

5. Therefore, FJBC submits that a smaller class station (such as a Class A station), with a principal community contour overlapping that of a larger Class B or Class C station, and which is allowed to be commonly owned in the same market area, should be allowed to co-locate its main studio with that of the commonly owned higher class station anywhere within that higher class station's principal community contour, in addition to anywhere within its own. (This principle should also apply to two overlapping commonly owned Class A stations.)

6. FJBC believes this approach would be consistent with the economies of scale that can be achieved through common ownership of stations that Congress implicitly found to be in the public interest in relaxing the local radio ownership rules in 1996. Furthermore, this approach is clear and can be uniformly applied without creating uncertainty from case to case.

7. Alternatively, the proposal suggesting that the main studio be located within the principal community contour of *any* station licensed to the same community does *not* address the situation of a Class A station that is the *only station* licensed to such a community. And as a result of the numerous so-called "Docket 80-90 drop-ins", this is a situation which occurs frequently in all areas of the country.

8. Therefore, if the Commission favors the above approach, FJBC suggests that it be worded to specify that a smaller class station may locate its main studio within the principal community contour of *any station that places such a contour over the community in question* and with which the smaller class station's principal community contour overlaps, in addition to anywhere within its own contour. This would allow the same flexibility to non-commonly owned stations as that proposed in paragraph 5 for commonly owned stations.

B. Local Public Inspection File Rule

9. FJBC strongly supports the proposal to allow the local public inspection file to be located at the station's main studio, wherever that main studio is allowed to exist, and regardless of whether or not that main studio happens to be located within the station's city-of-license.

MM Docket No. 97-138
Comments on the Notice of Proposed Rulemaking
by Fuller-Jeffrey Broadcasting Companies, Inc. (Continued)

10. The Commission correctly surmises that a station's main studio is the most logical and most likely place for the public to expect to find a station's public inspection file. Furthermore, the public would be better served if the file is maintained and stored under the direct day-to-day control of the station at its main studio, which is its principal place of business and location for program origination. FJBC believes this will increase the public's reasonable access to the station's local public inspection file, because this is where the public would logically first think of going in trying to locate a station's public file.

11. FJBC agrees with the Commission to delete the requirement that licensees maintain in their public files the 1974 manual entitled "The Public and Broadcasting," which is long out-of-date.

12. FJBC supports the proposal that licensees be responsible for maintaining information in the public file that concerns only the current licensee or permittee. The public file should only contain the documentation of the current licensee's relationship with the public and the Commission, starting with the transfer application which is filed by the current licensee. *The current licensee or permittee should not be accountable for the missing public file documents of a previous licensee.*

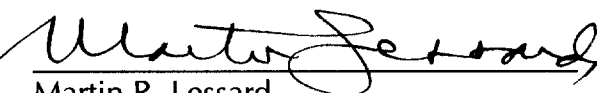
13. FJBC supports the notion that "written comments and suggestions" include electronic mail messages ("email") transmitted via the internet to stations capable of receiving them, and this general requirement should be so clarified.

14. FJBC supports revising the document retention periods that are tied to the broadcast license term in order to reflect the new license term of eight years.

15. Finally, FJBC believes that the availability of the local public inspection file on an electronic basis should be strictly voluntary and should not replace the primary requirement of a paper file.

Respectfully Submitted,

Fuller-Jeffrey Broadcasting Companies, Inc.
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By: 
Martin R. Lessard,
Its Executive Vice President